

**Final Rule**

LSA Document #12-511(F)

**DIGEST**

Adds [312 IAC 18-3-24](#) pertaining to entomology and plant pathology to regulate the walnut twig beetle (*Pityophthorus juglandis*) and *Geosmithia morbida* sp. nov, a fungus that kills walnut trees. Effective 30 days after filing with the Publisher.

**[312 IAC 18-3-24](#)**

SECTION 1. [312 IAC 18-3-24](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 18-3-24](#) Control of thousand cankers disease**

Authority: [IC 14-10-2-4](#); [IC 14-24-3](#)

Affected: [IC 14-24](#)

Sec. 24. (a) The walnut twig beetle (*Pityophthorus juglandis*) is:

- (1) a pest or pathogen; and
- (2) regulated under this section.

(b) *Geosmithia morbida* sp. nov is:

- (1) a pest or pathogen; and
- (2) regulated under this section.

(c) The definitions in [312 IAC 1](#), [312 IAC 18-1](#), and the following apply throughout this section:

(1) "Bark" means the natural external covering of the woody stems, branches, twigs, knots, bark pockets, and roots of walnut, including the vascular cambium.

(2) "Compliance agreement" means a written agreement between the state entomologist and a person that moves a regulated article into Indiana.

(3) "Move" means to:

- (A) ship;
- (B) offer for shipment;
- (C) receive for transportation;
- (D) transport;
- (E) carry; or
- (F) allow to move or ship.

(4) "Regulated area" refers to each of the following:

- (A) Arizona.
- (B) California.
- (C) Colorado.
- (D) Idaho.
- (E) Nevada.
- (F) New Mexico.
- (G) Oregon.
- (H) Pennsylvania.
- (I) Tennessee.
- (J) Utah.
- (K) Virginia.
- (L) Washington.
- (M) Another area of the United States determined by the state entomologist to have thousand cankers disease.

(5) Except as exempted by clause (E), "regulated article" means each of the following:

- (A) The walnut twig beetle in any living stage of development.
- (B) *Geosmithia morbida* sp. nov.
- (C) Firewood of any nonconiferous species.

- (D) Plants and plant parts of walnut, whether living or dead, including the following:
- (i) Nursery stock.
  - (ii) Budwood.
  - (iii) Scionwood.
  - (iv) Logs.
  - (v) Stumps.
  - (vi) Roots.
  - (vii) Branches.
  - (viii) Chips.
  - (ix) Any similar material.
- (E) Exempted from a regulated article is each of the following:
- (i) Nuts, nut meats, and hulls.
  - (ii) Processed lumber without bark.
  - (iii) Processed lumber that is kiln-dried.
  - (iv) Finished wood products without bark. Examples are furniture, instruments, and gun stocks.
- (6) "State plant regulatory official" means the national plant board member of the state of origin.
- (7) "Thousand cankers disease" refers to a lethal insect-fungal pathogen pest complex of walnut that has been detected in the states identified in subdivision (4) and that is occasioned by the presence of the walnut twig beetle and *Geosmithia morbida* sp. nov.
- (8) "Walnut" means *Juglans* spp.

- (d) A person must not move any regulated articles into or through Indiana unless the person:
- (1) obtains a compliance agreement from the division and ensures a copy of the compliance agreement remains with the regulated article during transit within Indiana;
  - (2) has the regulated article inspected at the point of origin by a state department of agriculture or state regulatory official; and
  - (3) delivers a phytosanitary certificate, issued by the state plant regulatory official, to the state entomologist at least twenty-four (24) hours before the regulated article enters Indiana.

(Natural Resources Commission; [312 IAC 18-3-24](#); filed Apr 22, 2013, 9:46 a.m.: [20130522-IR-312120511FRA](#))

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